IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

RCRev..No. 395 of 2006(F)

RCA.16/2000 of ADDL. DISTRICT COURT (ADHOC), THALASSERY
RCP.134/1998 of ADDL.MUNSIFF COURT, KANNUR
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REVISION PETITIONERS/APPELLANTS/RESPONDENTS:
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1. VIKAS C.H.,S/O.LATE C.H.CHANDRA BHANU,
AGED 43 YARS, BUSINESS, RESIDING AT ANANDA VILLA,
KANNUR-II AMSOM, KANNOTHUMCHAL WARD, SOUTH BAZAR,
KANNUR-2.

2. LEENA C.H., D/O.LATE C.H.CHANDRA BHANU,
AGED 39, OCCUPATION NIL, RESIDING AT SAPARIYA
NEAR BYPRA, PALLIKUNNU, KANNUR.

3. DR.VIJIL C.H., S/O.CHANDRA BHANU,
AGED 40 YEARS, MEDICAL PRACTITIONER,
RESIDING AT ANANDA VILLA, KANNUR-II AMSOM,
KANNOTHUMCHAL WARD, SOUTH BAZAR, KANNUR-2.

4. C.H. LASITHA JAYADAS,
D/O. CHANDRA BHANU, AGED 37 YEARS, OCCUPATION NIL,
RESIDING AT ANANDA VILLA, KANNUR-II AMSOM,
KANNOTHUMCHAL WARD, SOUTH BAZAR, KANNUR-2.

5. SHEENA C.H., D/O.CHANDRA BHANU,
AGED 36 YEARS, OCCUPATION NIL, RESIDING AT
ANANDA VILLA, KANNUR-II AMSOM, KANNOTHUMCHAL WARD,
SOUTH BAZAR, KANNUR-2.

6. VINOD C.H., S/O.CHANDRA BHANU,

BUSINESS,RESIDING AT ANANDA VILLA, KANNUR-II AMSOM KANNOTHUMCHAL WARD, SOUTH BAZAR, KANNUR-2.

BY ADV. SRI.N.NAGARESH
SRI.K.BABU

RESPONDENTS: RESPONDENT/PETITIONER:

SMT.K.K. VASANTHA, D/O.KORAN VYDIAR,
AGED 63 YEARS, RESIDING AT SALIN, MELUR,
THALASSERY, THALASSERY TALUK.

BY/

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 04/12/2006,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.A.ABDUL GAFOOR & K.R.UDAYABHANU, JJ.

R.C.R. NO. 395 of 2006 F

Dated this the 4th day of December, 2006.

ORDER

Abdul Gafoor, J.

The tenant faced with concurrent order of eviction under section 11(3) of Kerala Buildings (Lease and Rent Control) Act, assails that finding in this Revision Petition. The prime contention urged is that PW1, the son of the land lord for whom the bonafide requirement was focused by the land lord had gone back to the Gulf after having earlier produced the photocopy of the pass port before Court stating that the original has been lost. But it is a fact that the bonafide requirement urged was in the year 1998. Even though the pass port was lost at that time it did not disable PW1 to obtain a fresh one and to go abroad to eke out his livelihood, until vacant possession of the tenanted premises is obtained. Having filed a petition it is not incumbent on any one to remain idle and wait for years together, until the building is vacated. Therefore, that contention does not have any relevance.

2. It is further submitted that the very same land lord had obtained vacant possession of another tenanted building on the very same reasons. Therefore, there was no reason in raising the very same need to evict him also. But a reading of the impugned order will reveal that there was an agreement between the land lord and other tenants to renew the lease in his favour.

3. We are therefore of the view that there is no illegality in the concurrent finding of the authorities below to invoke section 20 of the Kerala Buildings (Lease & Rent Control), 1965. Therefore, the Revision Petition is liable to be dismissed. At this point of time, the review petitioner-tenant submitted that he may be allowed reasonable time to vacate the building as he was conducting coconut oil business in the premises and has to find out some other vacant building. We find that this request is genuine. Accordingly, we allow 6 months time from today to vacate the tenant's premises provided an undertaking in the form of an affidavit is filed before the execution court undertaking to

vacate the building on or before 04.06.2007 and to pay the entire arrears of rent already accrued and the rent for the period of six months allowed hereby.

K.A.ABDUL GAFOOR,JUDGE

K.R.UDAYABHANU, JUDGE

RV

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

W.P.(C).No.31416 of 2006 M

JUDGMENT

27th November, 2006.